

### **REMARKS**

Reconsideration of the present application in view of the following remarks is respectfully requested. Claims 2, 3, 73-75 and 77-109 are currently pending and under consideration. Claims 83, 104 and 106 are amended. Claims 110-116 have been withdrawn from consideration and claims 1, 4-72 and 76 have been cancelled.

The outstanding Action dated May 3, 2010, is a Final Action. Submitted herewith is a Request for Continued Examination ("RCE") and the requisite fee therefor.

#### **Comments Regarding Information Disclosure Statements**

The outstanding Action makes several observations, requirements and requests relating to Information Disclosure Statements previously submitted into the record of the present application and the prior applications to which priority is claimed, and requests additional information regarding several foreign and non-patent literature references listed thereon. Having now reviewed the available information regarding the IDS information in the respective cases, Applicant is submitting herewith a Supplemental Information Disclosure Statement to provide additional information regarding various references and to provide copies of references per the Examiner's request. It is noted that a few of the non-patent literature references do not have publication dates associated therewith. Applicant has diligently attempted to obtain publication dates for these references but has not been able to locate this information.

#### **Objections to Specification (Including Drawings)**

The outstanding Action objects to the specification on multiple grounds. First, the Action states that, "The continuation data at the beginning of the specification is erroneous, as explained in previous Office Actions." Applicants have submitted a Petition in one of the priority applications to correct the priority claim in the priority application, which Applicant believes will moot this issue. More specifically, Applicant is attempting to address the priority claim issue by way of petition that was submitted to the U.S. Patent Office on December 11, 2009, under separate cover requesting addition of a priority claim in the now-abandoned application number

08/740,031. The Applicant believes that the priority issue in the present case will be overcome by the addition of the priority claim in the prior application.

In addition, the specification and the drawings are objected to in the Action because of several informalities, as listed on pages 2-3 of the Action. These objections to the specification and the drawings have been addressed by the amendments presented above, and by the corrected drawing for Figures 37 submitted herewith. Specifically with regard to Fig. 37, Applicant has modified this figure to add reference numeral 224. Applicant believes that these amendments have addressed each of the specification and drawing objections set forth in the Office Action, and withdrawal of the same is respectfully requested.

**Objections to Claim 83, 103, 104 and 106**

Claims 83, 104 and 106 are objected to in the outstanding Action because of informalities. In view of the amendments to claims 83, 104 and 106 presented above, Applicant submits that this objection is overcome.

Claim 103 is objected to in the outstanding Action as being dependent upon a rejected base claim, but the Action indicates that this claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Upon entry of the present response, it is believed that the base claim and intervening claims are in condition for allowance, and that this objection is therefore overcome. Applicant therefore respectfully requests withdrawal of this objection.

**Double Patenting**

Claims 2, 3, 73-75, 77-102 and 104-109 stand rejected on the ground of non-statutory obviousness-type double patenting over the claims of U.S. Patent No. 6,371,988. In response to the obviousness-type double patenting rejection, the Applicant has submitted a Terminal Disclaimer herewith along with the requisite fee, and therefore respectfully requests withdrawal of the double patenting rejection.

**Withdrawn claims**

Claims 110-116 were previously withdrawn from consideration on the grounds that they are drawn to a nonelected species and that there is no allowable generic or linking claim. Applicants respectfully request that claims 110-116 be reinstated and allowed on the basis that independent claim 94 is allowable.

**CONCLUSION**

In view of the foregoing remarks, Applicant respectfully submits that the objections and rejections asserted in the outstanding Action are overcome. Accordingly, reconsideration leading to allowance of this application, as amended, is respectfully requested.

If there are any remaining issues that can be addressed telephonically, the Examiner is invited to contact the undersigned to discuss the same.

Respectfully submitted,

By: \_\_\_\_\_

  
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